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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	09/455,964
		Filing Date	December 6, 1999
		First Named Inventor	Qian, Richard
		Art Unit	2611
		Examiner Name	Huynh, Son P.
Total Number of Pages in This Submission	15	Attorney Docket Number	7146.0048

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1) Appellant's Amended Brief 2) Post Card
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm	Chernoff Vilhauer McClung & Stenzel, LLP 1600 ODS Tower 601 S.W. Second Avenue Portland, OR 97204		
Signature			
Printed Name	Kurt Rohlf		
Date	December 1, 2006	Reg. No.	54,405

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Kurt Rohlf	Date	December 1, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant: Qian, Richard et al. Group Art Unit: 2611
Serial No.: 09/455,964 Examiner: Huynh, Son P.
Filed: December 6, 1999
Title: METHOD OF CREATING A SEMANTIC VIDEO SUMMARY USING
INFORMATION FROM SECONDARY SOURCES

LETTER TO THE EXAMINER

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Portland, Oregon 97204-3157

December 1, 2006

Mail Stop APPEAL BRIEF-PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Notification of Non-Compliant Appeal Brief (37 CFR 41.37)
mailed November 27, 2006; please find enclosed the Appellant's Amended Brief.

Respectfully submitted,

Kurt Rohlf
Registration No. 54,405



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APPELLANT'S AMENDED BRIEF

Chernoff Vilhauer McClung & Stenzel, LLP
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December 1, 2006

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Alexandria, VA 22313-1450

Dear Sir:

BACKGROUND

This brief is in furtherance of the Notice of Appeal, filed in this case on June 19, 2006.

The fees required under 37 C.F.R Section 41.20(b)(2), and any required petition for extension of time for filing this brief and fees therefore, are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This brief contains these items under the following headings, and in the order set forth below:

APPELLANT'S AMENDED BRIEF 7146.0018

- I. Real Party In Interest
- II. Related Appeals and Interferences
- III. Status of Claims
- IV. Status of Amendments
- V. Summary of Claimed Subject Matter
- VI. Grounds for Rejection to be Reviewed on Appeal
- VII. Argument
- VII. Claims Appendix

The final page of this brief bears the practitioner's signature.

REAL PARTY IN INTEREST

The real party in interest in this appeal is Sharp Laboratories of America, Inc., the assignee of the captioned application.

RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences that will directly affect, be directly affected by, or have a bearing on, the Board's decision in this appeal.

STATUS OF CLAIMS

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

There are 12 currently pending claims in the application.

B. STATUS OF ALL THE CLAIMS

Claims canceled: None.

Claims withdrawn: None

Claims pending: 1-12.

Claims allowed: None

Claims rejected: 1-12.

C. CLAIMS ON APPEAL

Claims 1-12 are on appeal.

STATUS OF AMENDMENTS

No amendment was filed after final rejection.

SUMMARY OF CLAIMED SUBJECT MATTER

The claimed subject matter is generally directed to an improved automated method for creating a semantic summary of a video that will be meaningful to a viewer of the summary. The claimed method identifies a domain to which the video belongs, as disclosed in FIGS 1 and 2 and the written specification at page 4 line 29 to page 5 line 3. Exemplary domains could include high-level domains such as news, sports movies, etc. or could be more specific, such as football, soccer, etc. *See* Specification at p. 5 lines 1-3. The domain of the video is then used to locate, from a source other than the video, information related to the content of specific portions of the video. *See* Specification at p. 5 lines 6-20. This external information is then used to identify the related portions of the video corresponding to the external information and create a summary of the video. *See* specification at p. 5 lines 20-28.

A first embodiment of the claimed subject matter, and specifically claimed in independent claim 1, relates to a method that first identifies a domain of the video and uses the domain to identify information about the video at a source other than the video, both as described in the preceding paragraph. From the external information, a datum is extracted that relates to a semantic event depicted in the video. For example, the specification at p. 5 lines 16-22 describes an example of locating a textual description of a soccer game that is shown in the video to be summarized. From this textual description, scoring information, such as game time, the scoring team, the jersey number of the scoring player, etc. can be identified through optical recognition or any other suitable technique. The datum extracted from the information external to the video is then used to identify the particular portion of the video to which the datum relates, a summary of that particular portion then being created in response to the extraction of the external information. *See Specification at p. 6 lines 17-27.*

In a second claimed embodiment, specifically claimed in independent claims 7 and 12, and supported by the same portions of the specification cited in the preceding paragraph, a video abstraction method locates an index of the video to be summarized, and identifies a domain of the video. The domain of the video together with the index, is used to identify specific portions of the video to include in the created abstraction.

In a third claimed embodiment, specifically claimed in independent claim 11 and also described in the portions of the specification cited earlier, the method first identifies a domain of the video, from which a textual summary of the video can be located. From this textual summary, a datum related to a semantic event relevant to the video summary can be extracted and used to locate content in the video that corresponds to the extracted datum. The corresponding content can then be extracted from the video for inclusion in a semantic summary of the video.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection presented for review are: (1) whether claims 1-12 are unpatentable under 35 U.S.C. 102(e) as being anticipated by Boyer et al., U.S. Patent Application No. 2003/0066085 (hereinafter Boyer).

ARGUMENT**REJECTION UNDER 35 U.S.C. 102(e) IN VIEW OF BOYER****GROUP I – Claims 1-6**

All of the claims of Group I claim a method for creating a semantic summary of a video that and include the specific steps of:

- (a) using an identified domain of the video to locate information related to the video at a source other than the video;
- (b) extracting from that external source a datum related to a semantic event that describes a portion of the video;
- (c) identifying the portion of the video to which the external datum relates; and
- (d) “in response to” the extraction of the datum “creating” a summary of the identified portion of the video.

The claimed limitation “in response to” requires that the summary of the identified portion of the video must be created after the datum related to the portion of the video is extracted from the source external to the video. The term “create” is defined in Webster’s Third New International Dictionary of the English Language, 2002, as “to bring into existence” or to “make . . . for the first time.” No reasonable interpretation of the limitations recited above would read upon Boyer.

Boyer discloses a programming guide by which available video content can be browsed by time, category, etc. Upon selection of a user, a screen of the programming guide may display *prefabricated* summary information related to a specific video. For example, the programming guide may display the duration of the video, rating information, a text summary, etc. In addition, the display may include links to external web pages that include actor stills, clips of the selected video, interview segments, etc. The defining characteristic of all of the summary content disclosed by Boyer, is that they are prefabricated so as to be accessible to a user of the programming guide. That is to say, the actor stills, interviews, and excerpted video clips have all been “created” long before a user navigates the disclosed programming guide, using creation methods not disclosed by Boyer. Hence Boyer does not disclose the limitation recited in independent claim 1, of “creating a summary of said identified portion of said video in response to the extraction of said datum.”

The Examiner argues that Boyer discloses “identifying a domain of a video” in the passages describing a user of Boyer’s programming guide navigating the “time” “channel” and “category” domains of the available content. *See* Boyer at FIG. 15 and Office Action at p. 5, 9. The Examiner contends that Boyer discloses that the domain is then used to access information about the video at a source other than the video in the passages describing the user navigating to a web page displaying summary information that includes the datum of video clips, video interviews, etc. *See* Office Action at p. 5-6. The applicant does not quarrel with either of these contentions, but does note that, since the Examiner is reading the claimed “datum” as Boyer’s video clips, etc., the Examiner’s later contention that Boyer also discloses using this “datum” to “create” a summary in response to the extraction of the datum is irrational, when the Examiner contends that the summary created in response to extracting the datum is in fact nothing more than textual descriptive information of the video displayed on the very programming guide page from which the clips, interviews, etc are accessed. Stated in another way, the Examiner is

essentially arguing that Boyer discloses that summary information such as a title or still images from the video, are created after extracting datum comprising video clips, interviews, actor stills etc. linked through the very web page *that already displays the summary information that is to be created*. The circularity of this logic is apparent. Boyer does not disclose *creating* a summary *in response to* the extraction of video clips, etc. Accordingly, the Examiner's rejection of the claims of Group I was improper.

GROUP II – Claims 7-10 and 12

The claims of Group II each claim a method for creating a video abstraction of a video and include the specific steps of:

- (a) using an identified domain of the video along with a located index of the video to identify portions of the video for inclusion in the video, where the index is located at a source other than the video;
- (b) extracting the identified portions of the video from the video to form the video abstraction in response to locating the index; and
- (c) displaying the video abstraction to the user.

The Examiner's rejection of the claims of this group is even more circular than the rejection of the claims of Group I because the Examiner argues that the identification of video clips, video interviews, etc. that are available through a link on a web page of a programming guide, is used to "extract" the video clips, interviews, etc. from the video itself. Setting aside the issue of whether an actor or director interview related to a video is something that is "extracted" from the video, the contention that Boyer discloses that video clips or other content is "extracted" from a video, by first accessing those video clips or other content in a programming guide is absurd. If the video clips are already available to be displayed to a user, there is no need to "extract" them from the video. Moreover, the Examiner, when rejecting the claims of this group, again irrationally contends that the ultimate abstraction displayed to the user is the title, actor still

information etc. available on the very page from which the “datum” of the video clips and interviews are accessed, making it improper for the Examiner to contend that the title and actor still summary information is created by accessing the links to the video clips etc. on the same page that the summary information is already displayed. Finally, the Examiner cannot plausibly read the claimed abstraction as title information, when the claims require that the abstraction comprise extracted portions of a video, i.e. it must be made of clips or frames of the video being abstracted. Accordingly, the Examiner’s rejection of the claims of Group II was improper.

Group III – Claim 11

The claim of group II differs from those of Group I in that the latter requires that portions of a video identified as being related to a datum extracted from a location other than the video, be themselves summarized (see independent claim 1 which requires that the identified portion of the video be summarized). In contrast, claim 11 merely requires that the portions of the video corresponding to the extracted data be located and extracted for inclusion in a semantic summary, and need not be individually summarized. Nonetheless, all of applicant’s arguments with respect to the Examiner’s rejection of the claims of Group I also apply to the rejection of the claims of this Group. Accordingly, the Examiner’s rejection of the claim 11 was also improper.

CONCLUSION

The Examiner’s final rejection of claims 1-12 under 35 U.S.C. Section 102(e) should be reversed, and the claims should be found patentable.

Respectfully submitted,



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**CLAIMS APPENDIX**

1. A method of creating a semantic summary of a video comprising the steps of:
 - (a) identifying a domain of said video;
 - (b) using said domain to locate information related to said video at a source other than said video;
 - (c) extracting a datum related to a semantic event from said information, said semantic event describing a portion of said video;
 - (d) identifying said portion of said video related to said datum; and
 - (e) creating a summary of said identified portion of said video in response to the extraction of said datum.
2. The method of claim 1 wherein said information is a textual summary of events.
3. The method of claim 1 wherein said information is included in a worldwide web site.
4. The method of claim 1 wherein said information is included in an electronic programming guide.
5. The method of claim 1 wherein said domain is identified from an electronic programming guide.
6. The method of claim 1 further comprising the step of displaying said summary to a user.
7. A method of abstracting video comprising the steps of:
 - (a) locating an index of said video from a source external to said video;
 - (b) identifying a domain of said video for creating a video abstraction;

(c) using said domain together with said index to identify portions of said video for inclusion in said video abstraction;

(d) extracting said identified portions of said video from said video to form said video abstraction in response to the location of said index; and

(e) displaying said video abstraction to a user.

8. The method of claim 7 wherein said index is included in a worldwide web site.

9. The method of claim 7 wherein said index is included in an electronic programming guide.

10. The method of claim 7 further comprising the step of identification of said domain by a user of said abstraction.

11. A method of creating a semantic summary of a video comprising the steps of:

(a) identifying a domain of said video;

(b) using said domain to locate a textual summary of said video;

(c) extracting a datum related to a semantic event relevant to said video summary from said textual summary;

(d) locating content in said video corresponding to said datum; and

(e) extracting said content related to said semantic event from said video in response to extraction of said datum from said video for inclusion in said semantic summary including at least one portion of said video.

12. A method of abstracting video comprising the steps of:

(a) locating an index of said video in at least one of a worldwide web site and a programming guide;

- (b) identification of a domain of said video for creating a video abstraction by a user;
- (c) using said domain together with said index to identify portions of said video for inclusion in said video abstraction; and
- (d) extracting said identified portions of said video from said video to form said video abstraction.

EVIDENCE APPENDIX:

None.

RELATED PROCEEDINGS APPENDIX:

None.